

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

BIOGEN INTERNATIONAL GMBH and
BIOGEN MA, INC.,

Plaintiffs,

v.

CIVIL ACTION NO. 1:17CV116
(Judge Keeley)

MYLAN PHARMACEUTICALS INC.,

Defendant.

ORDER GRANTING MOTION FOR FINAL JUDGMENT [DKT. NO. 401]

On June 18, 2020, the defendant, Mylan Pharmaceuticals Inc. ("Mylan"), moved for an entry of final judgment under Federal Rule of Civil Procedure 54(b) (Dkt. No. 401). Under Rule 54(b), "the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay."

Because the Court has dismissed the remaining claims involving U.S. Patent No. 7,619,001 (Dkt. No. 409), and found that the asserted claims of U.S. Patent No. 8,399,514 are invalid for lack of written description under 35 U.S.C. § 112 (Dkt. No. 400), no claims remain in this case. Accordingly, the Court **GRANTS** Mylan's Motion and **DIRECTS** the Clerk to enter a separate judgment order in favor of Mylan pursuant to Federal Rule of Civil Procedure 58.¹

¹ After considering the parties' supplemental briefs (Dkt. Nos. 408, 411), the Court declines to impose a five-day notice requirement in advance of Mylan's anticipated launch. This ruling, however, does not preclude the plaintiffs' right to seek injunctive relief under Federal Rule of Civil Procedure 62(d), Federal Rule of Appellate Procedure 8(a)(1)(C), and Federal Circuit Rule of Practice 8(d).

BIOGEN INT'L GMBH, ET AL. V. MYLAN PHARM. INC.

1:17CV116

ORDER GRANTING MOTION FOR FINAL JUDGMENT [DKT. NO. 401]

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit copies of this Order to counsel of record.

DATED: June 22, 2020

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE